

FILE COPY

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION :
FOR A PRIVATE SECURITY PERMIT :

ERNEST G. SMITH, JR., :
APPLICANT :

NOTICE OF DENIAL
OF APPLICANT'S
REQUEST FOR HEARING
AND ORDER
97 RSG 005

LS 9808263 RSG

TO: Ernest G. Smith, Jr.
1706 E. Bellevue Pl.
Milwaukee, WI 53211

PLEASE TAKE NOTICE THAT the applicant's request for a hearing on the Department of Regulation and Licensing (hereinafter "Department") September 4, 1997, Notice of Denial of application for a Private Security Permit in the state of Wisconsin is DENIED.

Based upon the record in this matter, the Department makes the following:

FINDINGS OF FACT

1. On or about July 14, 1997, Ernest G. Smith, Jr. submitted an application for a Private Security permit. A true and correct copy of Mr. Smith's application file is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.
2. In Mr. Smith's original application materials, he indicated "No" in response to the following question:

Have you ever been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI), in this or any other state, **OR** are criminal charges or DWI charges currently pending against you? If YES, complete and attach Form #2252.
3. In response to the Department's Notice of Intent to Deny [Exhibit A, pp. 10-14], the applicant provided further information regarding his arrest and conviction record, including reference to convictions in Wisconsin and Illinois. The Illinois convictions included convictions for strong armed robbery and possession of a firearm.
4. On or about September 4, 1997, The Department of Regulation and Licensing denied Mr. Smith's application for licensure based on its determination that Mr. Smith's original application materials provided false information regarding his criminal conviction record.
5. The findings set forth above are not contested in the applicant's request for hearing.

6. The applicant's request for hearing [Exhibit A, p. 19] does not contain an allegation of any error of fact or of law for his claim that the denial of his application should be overturned, nor has the applicant provided any documentation to support his contention that his Illinois convictions were not felonies.

CONCLUSIONS OF LAW

1. Based upon the application record and applicant's request for hearing, there exists no issue of material fact¹ upon which a hearing is warranted.
2. Applicant's request for hearing does not contain the elements required by administrative code to mandate the grant of a hearing in this matter.²
3. The applicant's criminal record, which includes felony convictions, constitutes a bar to the issuance of a security guard permit under section 440.26(5m)(2) of the Wisconsin statutes.³

ORDER

1. Based upon the record in these proceedings, it is ordered that the applicant's request for hearing is **DENIED**, and no hearing shall be scheduled.
2. The application of Ernest G. Smith, Jr. for a Private Security Permit is **DENIED**.
3. This document constitutes the Department's Final Decision and Order in this matter.

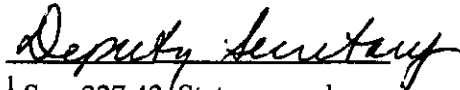
Dated this 26th day of August, 1998.

DEPARTMENT OF REGULATION AND LICENSING



On Behalf of the Department

G:\HBX\SMITHJR.DOC



¹ Sec. 227.42, Stats., provides:

Right to hearing. (1) In addition to any other right provided by law, any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if:

(a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;

(b) There is no evidence of legislative intent that the interest is not to be protected;

(c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and

(d) There is a dispute of material fact.

² Wis. Admin. Code § RL 1.07 provides in pertinent part:

Request for Hearing. . . . The request [for hearing] shall . . . set forth all of the following:

....

(3) A specific description of the mistake in fact or law which constitutes reasonable grounds for reversing the decision to deny the application for a credential. If the applicant asserts that a mistake in fact was made, the request shall include a concise statement of the essential facts which the applicant intends to prove at the hearing. If the applicant asserts a mistake in law was made, the request shall include a statement of the law upon which the applicant relies.

Wis. Admin. Code § RL 1.08(1) provides in pertinent part:

A request shall be granted if requirements in s. RL 1.07 are met

³ Sec. 440.26(5m), Stats. , provides in pertinent part:

Private security permit. (a) The department shall issue a private security permit to an individual if all of the following apply. . . . 2. The individual has not been convicted in this state or elsewhere of a felony, unless he or she has been pardoned for that felony.

**EXHIBIT A
INDEX**

<u>PAGE(S)</u>	<u>DOCUMENT</u>
1-3	Application for Private Security Permit, dated 7-14-97
4	Crime Information Bureau Record Check print-out re: Ernest Gerald Smith
5-7	Notice of Intent to Deny, dated 8-7-97
8-9	Affidavit of Mailing, dated 8-7-97 and Return Receipt for Certified Mail
10-14	Explanatory letter from Mr. Smith, dated 8-8-97
15-16	Notice of Denial, dated 9-4-97
17-18	Affidavit of Mailing, dated 9-4-97 and Return Receipt for Certified Mail
19	Request for Hearing, dated 9-8-97

Department of Regulation & Licensing

State of Wisconsin

Information requested below is required
for processing this application.

P.O. Box 8935, Madison, WI 53708-8935

(608) 265-0829

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529 impaired only

BUREAU OF DIRECT LICENSING AND REAL ESTATE APPLICATION FOR PRIVATE SECURITY PERMIT

TYPE OR PRINT IN INK

SECTION A: TYPE OF APPLICANT. Check one of the boxes below.

- ☐ I hold a current private security permit from the following Wisconsin law enforcement agency or agencies (please attach a photocopy of at least one permit, if you have one, and a recent photo of head and shoulders only. _____)
- ☒ I do not hold a current private security permit from a Wisconsin law enforcement agency. I have enclosed a check or money order made payable to the Department of Regulation and Licensing for \$68 which is the sum of a \$39 registration fee and a \$29 criminal records search. I have also enclosed a properly completed CIB and FBI fingerprint card and a recent photograph of head and shoulders only.

SECTION B: TO BE COMPLETED BY APPLICANT.

Enter Your Last Name, First
Name, and Middle Initial

Smith Ernest G JR

Enter the Address At
Which You Reside.

1706 E Bellevue Pl

(A P.O. Box alone is not
sufficient for licensing.)

Number

Street

PO Box

MIL

WI

53211

City

State

Zip Code

IDENTIFICATION INFORMATION, RELATING TO FINGERPRINT CARDS

Height	Weight	Eye Color	Hair Color	Sex	Ethnic Origin (Voluntary)
<u>5'8"</u>	<u>320</u>	<u>Blue</u>	<u>Brown</u>	<u>M.</u>	<u>White</u>

Date of Birth

JAN 15 1954

Month

Day

Year

Daytime Telephone

Number

(414) 962-5705

Board Office Use Only	
Registration Type <u>108</u>	Permit Number
Date Granted	Date Expires
CIB Name Check Sent: <u>8/4/97</u>	
CIB FP Card Sent: <u>8/4/97</u>	
FBI FP Card Sent: <u>8/4/97</u>	

For Receipting Use Only

39 \$3108 3108 7000 SECR GRD 39.00
29 CIB FEE 29.00

L1 C3 09:05 WDR .00 01/AUG/97 M1 1-43 95

State of Wisconsin Department of Regulation & Licensing

STATEMENT OF ARREST OR CONVICTION: MARK AN X IN THE APPROPRIATE BOX.

If you answer YES to any questions, give all details on a separate sheet.

- | | YES | NO |
|--|--------------------------|-------------------------------------|
| A. Have you ever been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI), in this or any other state, OR are criminal charges or DWI charges currently pending against you? <u>If YES, complete and attach Form #2252.</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Have you ever surrendered, resigned, cancelled or been denied a professional license or other credential in Wisconsin or any other jurisdiction? <u>If YES, give details on an attached sheet, including the name of the profession and the agency.</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Has any licensing or other credentialing agency ever taken any disciplinary action against you, including but not limited to, any warning, reprimand, suspension, probation, limitation or revocation? <u>If YES, attach a sheet providing details about the action, including the name of the credentialing agency and date of action.</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Is disciplinary action pending against you in any jurisdiction? <u>If YES, attach a sheet providing details about pending action, including the name of the agency and status of action.</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E. Have any suits or claims ever been filed against you as a result of professional services? <u>If YES, submit a copy of the claim or suit and a copy of the final settlement or disposition.</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Do you currently hold, or have you in the past held, any credential (license) issued by the Department of Regulation and Licensing or any of the Boards? <u>If YES, what type of credential?</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

And if in another name, what name? _____

CHECK THE BOX BELOW:

- ☒ YES I have enclosed a recent photograph of head and shoulders only. (NOTE: Print your name on your photograph.)

APPLICANT MUST SIGN

I state that I am the person referred to on this application and that all the answers set forth are strictly true in each respect. I understand that omissions, misleading, false or forged statements made in connection with this application may be grounds for revocation of my permit or other disciplinary action. I also understand that if I am issued a permit, I may be disciplined for failure to comply with the Wisconsin statutes and rules of the Department of Regulation and Licensing.

Ernest J. Smith Jr.
Signature of Applicant

7-14-97
Date

State of Wisconsin Department of Regulation & Licensing

SECTION C: TO BE COMPLETED BY AGENCY EMPLOYER

Enter Name of Employing
Agency Exactly As It Appears
on the Agency's License.

National Building Maintenance of MI, LIC

Enter the Employing Agency's
License Number As It Appears
on the Agency's License.

15697

Enter the Business Address of
the Employing Agency's
Main Office.

2072 North Commerce Street

Number

Street

PO Box

Milwaukee

Wi

53212

City

State

Zip Code

Enter the Main Office
Telephone Number.

(414)


372-9690

SIGNATURE OF AGENCY EMPLOYER

THE FOLLOWING STATEMENT MUST BE SIGNED BY ONE OF THE FOLLOWING REPRESENTATIVES OF A LICENSED DETECTIVE AGENCY WHO HAS THE AUTHORITY TO SIGN ON BEHALF OF THE AGENCY:

- SOLE PROPRIETOR OWNER
- OFFICER OF A CORPORATION
- PARTNER OF A PARTNERSHIP
- MEMBER OF A LIMITED LIABILITY COMPANY
- MANAGER OR SUPERVISOR

This is to certify that the agency identified in SECTION C above will assume responsibility for the security guard applicant pursuant to the Department rules and will notify the Department of any change in employment within 5 days after the change. To my knowledge all statements on this application are complete, true and correct.


Signature of Agency Sole Proprietor, Officer, Partner, Member,
Manager or Supervisor

Raymond H. Rymer

7-29-97
Date

Print or Type Name of Person Signing Above.

WISCONSIN STATE IDENTIFICATION NUMBER WI 228958
NAME: SMITH/ERNEST/GERALD SEX: M RACE: W DATE OF BIRTH: 01/15/54
FINGER INT CLASSIFICATION: 201410P00515 1510

/0072 5981 WI013015Z
CHRI 34436 36 08/04/97 08:04 02 OF 04

ARREST # DATE CONTRIBUTOR ORI
1 05/09/80 DANE CO SHF WI0130000

CASE # ARRESTING AGENCY ORI
62028 MADISON PD WI0130100

NAME USED DATE OF BIRTH USED PHOTO: LOCAL/CIB
SMITH/ERNEST/GERALD JR 01/15/54 NO NO

CHARGE#: 1 TRANSACTION TYPE: ADULT ARREST COUNTS: 1
LITERAL: RESIST OBSTRUCT OFFICER
CITATION: 946.41

NCIC CODE: 4802

DISPOSITION: 09/02/80 COUNTS: 1
CONVICTED

LITERAL: RESIST OBSTRUCT OFFICER

/0072 5981 WI013015Z
CHRI 34436 36 08/04/97 08:04 03 OF 04

CITATION: 946.41
NCIC CODE: 4802
SENTENCE: FINED
DISPOSITION CONTRIBUTOR
DANE CO CIRCUIT COURT

ARREST # DATE CONTRIBUTOR ORI
2 07/19/80 DANE CO SHF WI0130000

CASE # ARRESTING AGENCY ORI
62028 MADISON PD WI0130100

NAME USED DATE OF BIRTH USED PHOTO: LOCAL/CIB
SMITH/ERNEST/GERALD JR 01/15/54 NO NO

CHARGE#: 1 TRANSACTION TYPE: ADULT ARREST COUNTS: 1
LITERAL: DEFRAUD INNKEEPER
CITATION: 943.21(1)(A)

/0072 5981 WI013015Z
CHRI 34436 36 08/04/97 08:04 04 OF 04

NCIC CODE: 2606

DISPOSITION: 09/02/80 COUNTS: 1
CONVICTED

LITERAL: DEFRAUD INNKEEPER

CITATION: 943.21(1)(A)

NCIC CODE: 2606

SENTENCE: 01 YRS PROBATION TO DEPARTMENT OF CORRECTIONS

DISPOSITION CONTRIBUTOR
DANE CO CIRCUIT COURT

AUTH, DIRECTOR, CIB, MADISON, WI

(4)



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

August 7, 1997

ERNEST G SMITH JR
1706 E BELLEVIEW PL
MILWAUKEE WI 53211

Re: APPLICATION FOR A PRIVATE SECURITY PERMIT;
NOTICE OF INTENT TO DENY

Dear Mr. Smith:

PLEASE TAKE NOTICE that the State of Wisconsin Department of Regulation and Licensing has reviewed your application for a Private Security Permit. On the basis of the application submitted, the Department intends to deny your application for reasons identified below unless, within 45 calendar days from the date of the mailing of this notice, the Department receives additional information which shows that you meet the requirements for a credential.

The basis for the anticipated denial of your application is that your answer to question number "A" under "STATEMENT OF ARREST OR CONVICTION" on the application form is false and your application is incomplete, more specifically:

- 1) The application for a private security permit requires that you answer question "A" under STATEMENT OF ARREST OR CONVICTION:

A. Have you ever been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI), in this or any other state. OR are criminal charges or DWI charges currently pending against you? If YES, complete and attach Form #2252.

- 2) Your response to question "A" was to check the box marked "NO"
- 3) You did not complete and attach Form #2252 to your application.
- 4) A search of the records of the Crime Information Bureau (CIB) in the Department of Justice indicates that you have been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI) or had criminal charges pending.
- 5) A copy of the CIB report used as a basis for the conclusion that you have been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI) or had criminal charges pending is attached.

Regulatory Boards

Accounting, Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, Auctioneer, Barbering and Cosmetology, Chiropractic, Dentistry, Dietitians, Funeral Directors, Hearing and Speech, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Physical Therapists, Psychology, Real Estate, Real Estate Appraisers, Social Workers, Marriage and Family Therapists and Professional Counselors, and Veterinary

The legal basis for this decision is in sec. 440.26 (5m) and (6), Stats. These provisions state:

(5m) Private security permit. (a) The department shall issue a private security permit to an individual if all of the following apply:

*1 * * *.*

*2. The individual has not been convicted in this state or elsewhere of a felony, unless he or she has been pardoned for that felony * * *.*

(6) Discipline. (a) Subject to the rules adopted under s. 440.03 (1), the department may reprimand the holder of a license or permit issued under this section or revoke, suspend or limit the license or permit of any person who has done any of the following:

1. Been convicted of a misdemeanor or found to have violated any state or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322 and 111.335.

2 Engaged in conduct reflecting adversely on his or her professional qualification.

3 Made a false statement in connection with any application for a license or permit under this section.

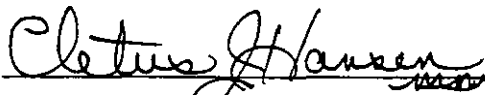
4 Violated this section or any rule promulgated or order issued under this section.

If the Bureau of Direct Licensing and Real Estate does not receive additional information within the 45 day period, this Notice of Intent to Deny shall operate as a Notice of Denial and the 45 day period you have for requesting a hearing shall commence on the date of mailing of this Notice of Intent to Deny.

Please mail any additional information to:

Bureau of Direct Licensing and Real Estate
State of Wisconsin Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

The date of the mailing of this Notice of Intent to Deny is August 7, 1997.


CLETUS J. HANSEN, DIVISION ADMINISTRATOR

PLEASE NOTE that you have a right to a hearing on the denial of your application if you file a request for hearing in accordance with the provisions of Ch. RL 1 of the Wisconsin Administrative Code. If you do not submit additional information in

support of your application, you may request a hearing within 45 calendar days after the mailing of this notice. Your request must be submitted in writing to:

Bureau of Direct Licensing and Real Estate
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

The request must contain your name and address, the type of credential for which you have applied, a specific description of the mistake in fact or law that you assert was made in the denial of your credential, and a concise statement of the essential facts which you intend to prove at the hearing. You will be notified in writing of the decision. Under sec. RL 1.08 of the Wisconsin Administrative Code, a request for a hearing is denied if a response to a request for a hearing is not issued within 45 days of its receipt by the Bureau of Direct Licensing and Real Estate. Time periods for a petition for review begin to run 45 days after the Bureau of Direct Licensing and Real Estate has received a request for a hearing and has not responded.

If you have any questions concerning this matter, please contact Marlene Maly at 608-266-5511 (press 3, then press 2)

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

In The Matter of the Application for a
Private Security Permit of
ERNEST G. SMITH, JR.,
Applicant

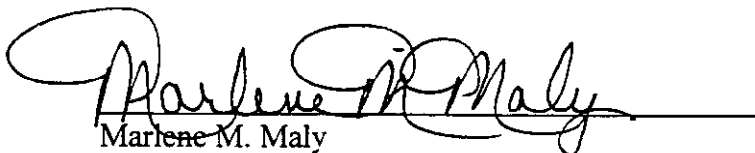
AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
COUNTY OF DANE)


I, Marlene M. Maly, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

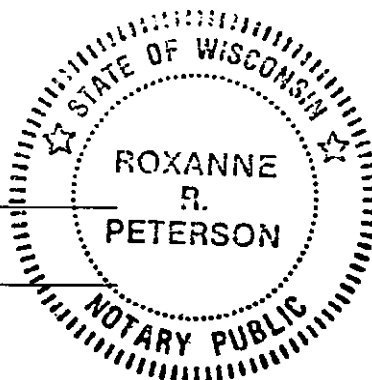
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On August 7, 1997 I served the annexed Notice of Intent to Deny upon the applicant Ernest G. Smith, Jr. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named applicant and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by first class, certified mail. The certified mail receipt number on the envelope is Z 429 751 270.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the applicant's last-known address and is:

1706 E BELLEVIEW PL
MILWAUKEE, WI 53211


Marlene M. Maly
Department of Regulation and Licensing

Subscribed and sworn to before me
this 7th day of August, 1997.


Notary Public, State of Wisconsin
My Commission Expires 2/7/99



Z 429 751 270



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to	
Ernest G. Smith, Jr.	
Street and No	
P.O. State and ZIP Code	
Postage	\$
Certified Fee	✓
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
Sent 8/7/97	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

ERNEST G SMITH JR
1706 E BELLEVIEW PL
MILWAUKEE WI 53211

S.G.

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee

4a. Article Number

Z429 751 270

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

8/7/97

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

9

8-8-97

From a Group Home in
Madison we were trying
to set up a video
arcade with pinball machine.

The Police came in I
was not there at that
time my friend told me
the police had been there
and took his girl friend
in. He told the police
I was legally responsible
for her and stated the
police want me to call
and talk to them so
I did so at that time
I stated I was respons-
ible for her. They came
to the restaurant where
I was and got me
to explain to them
what I said on the

Phone I did so I
the time I didn't
know I was committing
a crime I thought ~~as~~ I
was just helping my friend
and I had never
I could be arrested I
would not have hired

as far as the
Defendant a Inn keeper
I don't recall what I
had done I do recall
getting probation

Thank you
Ernest Blumsky

State off ILL
Disorderly Conduct 3 or 4 times

Sept or Oct Mar 73 Strong
Armed Rebeley I was with
two other people that
Robbed a Gas Station. I'm
Hampers Part of her being out
Drinking.

I did not ~~as~~ realized until
after getting your letter
Dated 8-7-77 That ~~to~~
The Question did ~~not~~ included
Any other State Incl
is way ILL was not even
thought of - I was not even
aslo Feb of 1977 I was
arrested for having a gun
in my possion sent to Menard
State for 6 months My under stand
ing There is no record

of this Because ^{my} Dad
was a Police officer

Also There are other
Arrest In Chicago & Cook
County Some on them
I was found Incompet or
Charge Drop Dates Dont
Remember. some where
Disordley Conduct. All these
Arrest Were Prior to 1980
except 1 Disordley 9-84 or 85 or 86
Can Honestly SAY I have
not been arrested Since
85.01.86. From 86 on I did
got my Self Straight out

Thank You
Ernest A Smith

When I first Sent in my
Application I check no
Cause Any Convictions Be-
cause when Filling out
my Application I had
Forgotten About Being
Charged with Resist
Obstruction Officer
IS I Had He Called that
conviction I would not had
marked no QS far as
Defraud a Inkeeper I still
Do not Recall what
Happened I do recall
getting Probation

Thank You
I must sign
Shirley



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 256-2112

September 4, 1997

ERNEST G. SMITH JR.
1706 E. BELLEVIEW PL.
MILWAUKEE WI 53211

Re: APPLICATION FOR PRIVATE SECURITY PERMIT
-- NOTICE OF DENIAL

Dear Mr. Smith:

PLEASE TAKE NOTICE that the State of Wisconsin, Department of Regulation and Licensing (department), has reviewed your application for a private security permit and denies the application for the following reasons:

A. Reasons for denial:

1. A Notice of Intent to Deny, dated August 7, 1997, was sent to you concerning your application for a private security permit. You provided a response in a letter dated August 8, 1997.
2. The information you provided does not change the position of the department concerning the determination to deny your application for a private security permit.
3. The reasons for the denial of your application for a private security permit and the legal basis for the decision are outlined in the Notice of Intent to Deny, dated August 7, 1997.


CLETUS J. HANSEN, DIVISION ADMINISTRATOR

NOTICE OF RIGHT TO HEARING ON CREDENTIAL DENIAL

PLEASE NOTE that you have a right to a hearing on the denial of your application if you file a request for hearing in accordance with the provisions of Ch. RL 1 of the Wisconsin Administrative Code. You may request a hearing within 45 calendar days after the mailing of

Regulatory Boards

Accounting, Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, Auctioneer, Barbering and Cosmetology, Chiropractic, Dentistry, Dietitians, Funeral Directors, Hearing and Speech, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Physical Therapists, Psychology, Real Estate, Real Estate Appraisers, Social Workers, Marriage and Family Therapists and Professional Counselors, and Veterinary

Committed to Equal Opportunity in Employment and Licensing

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this notice of denial. Your request must be submitted in writing to the Department of Regulation and Licensing at:

Department of Regulation and Licensing
Bureau of Direct Licensing and Real Estate
1400 East Washington Avenue
PO Box 8935
Madison, WI 53708-8935

The request must contain your name and address, the type of credential for which you have applied, a specific description of the mistake in fact or law that you assert was made in the denial of your credential, and a concise statement of the essential facts which you intend to prove at the hearing. You will be notified in writing of the department's decision. Under s. RL 1.08 of the Wisconsin Administrative Code, a request for a hearing is denied if a response to a request for a hearing is not issued within 45 days of its receipt by the department. Time periods for a petition for review begin to run 45 days after the department has received a request for a hearing and has not responded.

NOTICE OF RIGHT TO WITHDRAW REQUEST FOR HEARING

A request for hearing may be withdrawn at any time. Upon the filing of a request for withdrawal, the credentialing authority shall issue an order affirming the withdrawal of a request for hearing on the denial. Such a withdrawal shall be with prejudice unless otherwise expressly stated in the order.

If you have any questions concerning this matter, please contact Marlene Maly at 608-266-5511 (press 3, press 2).

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

g:maly\sg\denial#2.doc

In The Matter Of The Application For A :
Private Security Permit For :
ERNEST G. SMITH, JR., : AFFIDAVIT OF MAILING
Applicant :

Z 429 751 289



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to	
ERNEST G. SMITH, JR.	
Street and City	
P.O. State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date Sent 9/4/97	

<p>SENDER:</p> <ul style="list-style-type: none"> Complete items 1 and/or 2 for additional services. Complete items 3, and 4a & b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or on the back if space does not permit. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered. 		<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p>	
<p>3. Article Addressed to:</p> <p>ERNEST G SMITH JR 1706 E BELLEVIEW PL MILWAUKEE WI 53211 S.G.</p>		<p>4a. Article Number</p> <p>Z 429 751 289</p>	
<p>5. Signature (Addressee)</p> <p>Karen Smith</p>		<p>4b. Service Type</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured</p> <p><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD</p> <p><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p>	
<p>6. Signature (Agent)</p>		<p>7. Date of Delivery</p>	
<p>8. Addressee's Address (Only if requested and fee is paid)</p>		<p>Thank you for using Return Receipt Service</p>	

— 6

Monday
Sept. 8 1997

To whom it may concern
I Ernest H Smith Jr
Desist agree with the
denial for Permit of
Private Security I do
want a appeal Hearing
on my permit first
of all I have been alien
of 17 years since I have
had any corrections.
I feel that this denial
is not necessary and
at all when I first
applied I had paid ahead
the conviction in motion
also did not realize they
want all this.

Sincerely
Ernest H Smith Jr

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

In the Matter of the Application for a Private Security Permit

Ernest G. Smith, Jr.,

AFFIDAVIT OF MAILING


Applicant.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On August 27, 1998, I served the Notice of Denial of Applicant's Request for Hearing and Order dated August 26, 1998, LS9808263RSG, upon the Applicant Ernest G. Smith, Jr. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Applicant and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is Z 233 819 719.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Applicant's last-known address and is:

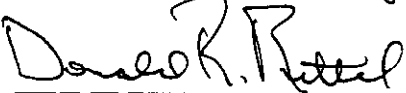
Ernest G. Smith, Jr.
1706 E. Belleview Place
Milwaukee WI 53211



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 27th day of August, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: ERNEST G SMITH JR

You have been issued an Order. For purposes of service the date of mailing of this Order is 8/27/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

- 1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935